

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jul 27, 2021**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

MICHELLE W.<sup>1</sup>,

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,<sup>2</sup>

Defendant.

No. 1:20-cv-03215-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g)**

**ECF Nos. 16, 17**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 17,  
requesting remand of the above-captioned matter to the Commissioner for

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned  
identifies them by only their first names and the initial of their last names. *See*  
LCivR 5.2(c).

<sup>2</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9,  
2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo  
Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further  
action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

1 additional administrative proceeding pursuant to sentence four of 42 U.S.C. §  
2 405(g). Attorney D. James Tree represents Plaintiff. Attorney Jeffrey Staples  
3 represents Defendant. The parties have consented to proceed before a magistrate  
4 judge. ECF No. 6.

5 After consideration, **IT IS HEREBY ORDERED** that:

6 1. The District Court Executive is directed to substitute Kilolo Kijakazi as  
7 the Defendant and update the docket sheet.

8 2. The parties' Stipulated Motion for Remand, **ECF No. 17**, is **GRANTED**.

9 3. The above-captioned case be **REVERSED** and **REMANDED** to the  
10 Commissioner of Social Security for further administrative proceeding pursuant to  
11 sentence four of 42 U.S.C. § 405(g).

12 The parties have stipulated to the following:

13 On remand, the Appeals Council will instruct the ALJ to:

- 14 • Offer Plaintiff the opportunity for a new hearing;
- 15 • Reconsider the period between Plaintiff's alleged onset date, February  
16 6, 2014, and the previously-established disability onset date,  
17 December 14, 2016;
- 18 • Further develop the record, as appropriate;
- 19
- 20

- Reassess Plaintiff's subjective allegations, reevaluate Plaintiff's residual functional capacity, and the step five findings as necessary; and
- Take further action to complete the administrative record, resolve the above issues, and issue a new decision.

*See* ECF No. 17 at 1-2.

3. Judgment shall be entered for **PLAINTIFF**.

4. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is **STRICKEN AS MOOT**.

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, **enter Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED July 27, 2021.

s/Mary K. Dimke  
MARY K. DIMKE  
UNITED STATES MAGISTRATE JUDGE